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DISTRICT COURT
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DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH M. SMITH, MEREDITH SMITH,
NICHOLAS K. LAWS, TAD KRETH,
BRANDON LAWS, and REECE LAWS

Defendants.

Case No.: 2:09 CR 243 TS

SEALED

SECOND SUPERSEDING
INDICTMENT

VIO. 16 U.S.C. § 470ee(b);
18 U.S.C. §§ 641, 1163, 2

TRAFFICKING IN
ARCHAEOLOGICAL
RESOURCES; THEFT OF
GOVERNMENT PROPERTY;
THEFT OF TRIBAL PROPERTY,
FORFEITURE

The Grand Jury charges:

COUNT 1

On or about October 8, 2007, in the Central Division of the District of Utah, the
defendant,

JOSEPH M. SMITH

did knowingly sell and offer to sell an archaeological resource to wit: a copper bracelet, which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resource was valued in excess of \$500, all in violation of 16 U.S.C. § 470ee(b).

COUNT 2

On or about October 8, 2007, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH and MERIDETH SMITH,

did knowingly sell and offer to sell an archaeological resource to wit: a woven fiber sandal, which was excavated or removed from Indian lands in violation of Federal law, which resource was valued in excess of \$500, and did aid and abet therein, in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 3

On or about October 8, 2007, in the Central Division of the District of Utah, the defendant,

JOSEPH M. SMITH

did knowingly sell and offer to sell an archaeological resource to wit: a turquoise pendant, which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resource was valued in excess of \$500, all in violation of 16 U.S.C. § 470ee(b).

COUNT 4

On or about October 8, 2007, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH and MERIDETH SMITH

did wilfully and knowingly embezzle, steal, purloin and convert to their own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: a copper bracelet belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. § 641 and 18 U.S.C. § 2.

COUNT 5

On or about October 8, 2007, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH and MERIDETH SMITH

did wilfully and knowingly embezzle, steal, purloin and convert to their own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: a turquoise pendant belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. § 641 and 18 U.S.C. § 2.

COUNT 6

On or about October 8, 2007, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH and MERIDETH SMITH

did embezzle, steal, and knowingly convert to their own use, property belonging to an Indian tribal organization, with a value of less than \$1,000 to wit: a woven fiber sandal, and did aid and abet therein, all in violation of 18 U.S.C. § 1163 and 18 U.S.C. § 2.

COUNT 7

On or about December 11, 2007, in the Central Division of the District of Utah, the defendant,

JOSEPH M. SMITH

did knowingly sell and offer to sell archaeological resources to wit: a frame of lithics and jewelry, which were excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resource was valued in excess of \$500, all in violation of 16 U.S.C. § 470ee(b).

COUNT 8

On or about January 15, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH and NICHOLAS K. LAWS

did knowingly sell and offer to sell an archaeological resource to wit: a twin effigy, which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resource was valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 9

On or about January 15, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH and NICHOLAS K. LAWS

did knowingly sell and offer to sell an archaeological resource to wit: a San Jose at'ladl knife, which defendants knew was excavated or removed from public lands owned and administered by

the United States in San Juan County, Utah in violation of Federal law, which resource was valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 10

On or about January 15, 2008, in the Central Division of the District of Utah, the defendant,

JOSEPH M. SMITH

did knowingly sell and offer to sell archaeological resources to wit: a set of seven polishing stones, which were excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resources were valued in excess of \$500, all in violation of 16 U.S.C. § 470ee(b).

COUNT 11

On or about January 15, 2008, in the Central Division of the District of Utah, the defendants

JOSEPH M. SMITH and NICHOLAS K. LAWS

did wilfully and knowingly embezzle, steal, purloin and convert to their own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: a twin effigy, a San Jose at'ladl knife, and a set of polishing stones belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. § 641 and 18 U.S.C. § 2.

COUNT 12

On or about February 18, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did knowingly sell and offer to sell an archaeological resource to wit: a paint pot which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 13

On or about February 18, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did knowingly sell and offer to sell an archaeological resource to wit: a bolo or hair ornament which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 14

On or about February 18, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH and TAD KRETH

did wilfully and knowingly embezzle, steal, purloin and convert to their own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: a paint pot and a bollo or hair ornament belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. § 641 and 18 U.S.C. § 2.

COUNT 15

On or about March 25, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH, REECE LAWS and BRANDON LAWS

did knowingly sell and offer to sell archaeological resources to wit: an artifact collection consisting of two bone beads, a shell necklace with clay pendant, two drills, and other pendants which were excavated or removed from Indian lands, in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 16

On or about March 25, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH, REECE LAWS and BRANDON LAWS

did embezzle, steal, and knowingly convert to their own use, property belonging to an Indian tribal organization, with a value of ^{1000 MORE} ~~less~~ than \$1,000 to wit: an artifact collection consisting of two bone beads, a shell necklace with clay pendant, two drills, and other pendants, and did aid and abet therein, all in violation of 18 U.S.C. § 1163 and 18 U.S.C. § 2.

COUNT 17

On or about March 25, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did knowingly sell and offer to sell an archaeological resource to wit: a sandal last which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 18

On or about March 25, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did knowingly sell and offer to sell an archaeological resource to wit: an artifact collection consisting of points, beads, and a ceramic effigy which was excavated or removed from Indian lands, in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 19

On or about March 25, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did embezzle, steal, and knowingly convert to his own use, property belonging to an Indian tribal organization, with a value of more than \$1,000 to wit: an artifact collection consisting of points, beads, and a ceramic effigy, all in violation of 18 U.S.C. § 1163.

COUNT 20

On or about April 23, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND REECE LAWS

did knowingly sell and offer to sell an archaeological resource to wit: an Olla ring which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 21

On or about April 23, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND REECE LAWS

did wilfully and knowingly embezzle, steal, purloin and convert to their own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: an Olla ring belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. § 641 and 18 U.S.C. § 2.

COUNT 22

On or about April 23, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did knowingly sell and offer to sell an archaeological resource to wit: a 45 bead ivory necklace which was excavated or removed from public lands owned and administered by the United States

in San Juan County, Utah in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 23

On or about April 23, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did wilfully and knowingly embezzle, steal, purloin and convert to their own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: a 45 bead ivory necklace belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. § 641 and 18 U.S.C. § 2.

COUNT 24

On or about June 9, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did knowingly sell and offer to sell an archaeological resource to wit: an artifact collection including a necklace of ivory beads which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 25

On or about June 9, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH AND TAD KRETH

did wilfully and knowingly embezzle, steal, purloin and convert to their own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: an artifact collection which included a necklace of ivory beads belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. § 641 and 18 U.S.C. § 2.

COUNT 26

On or about June 9, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH

did knowingly sell and offer to sell archaeological resources to wit: an artifact collection including a prayer stick which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, which resources were valued in excess of \$500, all in violation of 16 U.S.C. § 470ee(b).

COUNT 27

On or about June 9, 2008, in the Central Division of the District of Utah, the defendant,

JOSEPH M. SMITH

did wilfully and knowingly embezzle, steal, purloin and convert to his own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: an artifact collection including a prayer stick belonging to the United States, all in violation of 18 U.S.C. § 641.

COUNT 28

On or about June 9, 2008, in the Central Division of the District of Utah, the defendants,

JOSEPH M. SMITH and REECE LAWS

did knowingly sell and offer to sell archaeological resources to wit: four ceramic beads which were excavated or removed from Indian lands in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee(b) and 18 U.S.C. § 2.

COUNT 29

On or about August 27, 2008, in the Central Division of the District of Utah, the defendant,

TAD KRETH

did knowingly sell and offer to sell archaeological resources to wit: a frame of miscellaneous perishable artifacts, which were excavated or removed from Indian lands in violation of Federal law, which resources were valued in excess of \$500, all in violation of 16 U.S.C. § 470ee(b).

COUNT 30

On or about August 27, 2008, in the Central Division of the District of Utah, the defendant,

TAD KRETH

did embezzle, steal, and knowingly convert to his own use, property belonging to an Indian tribal organization, with a value of more than \$1,000 to wit: a frame of miscellaneous perishable artifacts, all in violation of 18 U.S.C. § 1163.

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

As a result of committing the ~~felony~~^{non} offenses alleged in Counts 1 through 30 of this Indictment which are punishable by imprisonment for more than one year, the defendants shall forfeit to the United States pursuant to 16 U.S.C. §470gg(b) all archaeological resources with

~~non~~ BUT EXCLUDING COUNTS 6, 16, 19, & 30
12

respect to a which a violation of 16 U.S.C. § 470ee(b) occurred and all vehicles and equipment of any person which were used in any manner or part to commit and facilitate the commission of such offense.

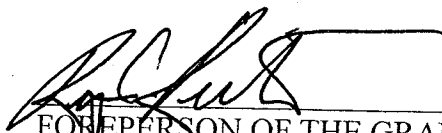
The defendant shall also forfeit to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C), 1956(c)(7)(D) and 28 U.S.C. § 2461 any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 641.

If any of the property described above, as a result of any act or omission of the Defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without

difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

BRETT L. TOLMAN
United States Attorney

Carlie Christensen

CARLIE CHRISTENSEN
RICHARD D. McKELVIE
Assistant United States Attorney